

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

ANTHONY ROSE,

Plaintiff,

v.

3:08-cv-25

SEVIER COUNTY, TENNESSEE,
et al.,

Defendants.

ORDER

This is a civil rights action pursuant to 42 U.S.C. § 1983, in which the plaintiff alleges that, while incarcerated in the Sevier County Jail, he was sexually assaulted by jail supervisor Paul Lintner. Plaintiff is represented by counsel. Because Paul Lintner is a defendant in this case and had been indicted by a Sevier County Grand Jury for allegedly sexually assaulting plaintiff Rose, the court granted the defendants' motion to stay proceedings in this case until the criminal proceedings against Mr. Lintner concluded.

Plaintiff has now filed two motions to lift the stay. In the first, plaintiff states that Mr. Lintner has pleaded guilty to one count of a Class E felony, Sexual Contact with an Inmate, and all that remains of his criminal proceedings is for him to be sentenced. In the second motion to lift the stay, plaintiff states that Mr. Lintner has been sentenced and all criminal matters involving Mr. Lintner are now concluded. The defendants' have not responded to the

motions to lift the stay. Under the circumstances, the motions to lift stay [Court File Nos. 20 and 22] are **GRANTED**, the stay in this matter is **LIFTED**, and this case is restored to the court's active docket.

There is also pending the motion to withdraw as counsel of record for Paul Lintner filed by Jeffrey M. Ward and Thomas J. Garland, Jr. The attorneys state that Mr. Lintner's defense was furnished under a reservation of rights and that defense has now been withdrawn as a result of Mr. Lintner's conviction. Mr. Lintner signed the motion to withdraw, evidencing his agreement. The motion also indicates that Mr. Lintner is unable to employ counsel on his own and intends to represent himself in this lawsuit. The motion to withdraw [Court File No. 21] is **GRANTED**. The Clerk is **DIRECTED** to enter Mr. Lintner's appearance as a *pro se* defendant.

ENTER:

s/ Thomas W. Phillips
United States District Judge